

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ecovative Design LLC,
Junior Party
(Application 14/082,601,
Inventors: Eben Bayer, Gavin McIntyre, and Burt L. Swersey),

v.

Ford Global Technologies LLC,
Senior Party
(Patent 8,227,224
Inventors: Raymond Edward Kalisz and Charles Alan Rocc).

Patent Interference No. 106,069(RES)
(Technology Center 1600)

Before: RICHARD E. SCHAFER, *Administrative Patent Judge*.

DECLARATION - 37 C.F.R. § 41.203(b)

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)¹) between the above-
3 identified parties. Details of the applications, patents, reissue applications, counts

¹ Patent interferences continue under the relevant statutes in effect on 15 March 2013. *See* Pub. L. 112-29, § 3(n), 125 Stat. 284, 293 (2011). Unless otherwise indicated, all references to statutes in this declaration are to those in effect on that date

1 and claims designated as corresponding or as not corresponding to the counts
2 appear in Parts E and F of this DECLARATION.

3 **Part B. Judge managing the interference**

4 Administrative Patent Judge Richard E. Schafer has been designated to
5 manage the interference. 37 C.F.R. § 41.104(a).

6 **Part C. Standing order**

7 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
8 DECLARATION. The STANDING ORDER applies to this interference.

9 **Part D. Initial conference call**

10 A telephone conference call to discuss the interference is set for
11 **February 17, 2017 at 4:00 p.m.**(the Board will initiate the call).

12 No later than **four business days** prior to the conference call, each party
13 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 C.F.R. §§ 41.120;
14 and 41.204; SO ¶¶ 104.2.1, 120 & 204) the party would like to file.

15 The time periods for taking action during the motion phase are set in an
16 order accompanying this declaration.

17 **Part E. Identification and order of the parties**

18 Junior Party

19	Named inventors:	Eben Bayer, Troy, New York
20		Gavin McIntyre, Troy, New York
21		Burt L. Swersey, Stephentown, New York
22		
23	Involved Application:	14/082,601 filed November 18, 2013
24		
25	Title:	Fabricated Product Method of Making Molded Part
26		Comprising Mycelium Coupled to Mechanical Device
27		
28	Assignee of Record:	Ecovative Design, LLC

1 Junior Party Ecovative Design

2 Application 14/082,601: Claims None

3 Senior Party Ford Global Technologies

4 Patent 8,227,224: Claims None

5
6 **Benefit of the Filing Dates of Earlier Applications**

7 The parties are accorded the benefit of the filing dates of the following
8 applications with respect to the subject matter of Count 1:

9 Junior Party Ecovative Design

10 None

11 Senior Party Ford Global Technologies

12 None

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,

see SO ¶ 106.1.1:

Filed on behalf of: [Name of Party]

Paper No. [Leave blank]

By: [Name of lead counsel
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:]

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ecovative Design LLC,
Junior Party
(Application 14/082,601,
Inventors: Eben Bayer, Gavin McIntyre, and Burt L. Swersey),

v.

Ford Global Technologies LLC,
Senior Party
(Patent 8,227,224
Inventors: Raymond Edward Kalisz and Charles Alan Rocc).

Patent Interference No. 106,069(RES)
(Technology Center 1600)

[TITLE OF PAPER]

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

6 **Part I. Electronic filing**

7 The web portal for interferences <<https://acts.uspto.gov/ifiling/Login.jsp>>
8 can no longer accept a document larger than 50MB. If you need to file a document
9 larger than 50MB, unless otherwise instructed by order, please contact the board at
10 571-272-INTF (571-272-4683) to make alternate arrangements, such as sending a
11 CD-ROM by Express Mail.

12 Because the administrative patent judges work from the electronic record,
13 exceptions to electronic filing should be very rare.

14
Enc:

Copy of STANDING ORDER²

Revised 26 February 2014

² For a United States patent or published application listed in this paper, *see* <http://patft.uspto.gov/>; *see also* <http://portal.uspto.gov/external/portal/pair> for prosecution histories available to the public.

cc (via overnight delivery):

Ecovative:

Carella, Byrne, Cecchi, Olstein, Brody & Agnello
5 Becker Farm Road
Roseland NJ 0706

Ford Global

Gregory P. Brown
Ford Global Technologies, LLC
Fairlane Plaza South, Suite 800
330 Town Center Drive
Dearborn MI 48126